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Licensee.

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WHEREAS, Licensee and the Board have agreed to resolve the complaint received regarding Licensee in the manner set forth in this agreed-upon disposition and waiver of hearing pursuant to ARSD 20:48:08:12(3);

WHEREAS, it is the intent of this agreement to provide for a resolution of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further proceedings herein, and for a responsible resolution;

WHEREAS, the Licensee hereby agrees to Probation and mandated participation with the Health Professionals Assistance Program ("HPAP"), with terms and conditions to be determined by HPAP;

WHEREAS, per the Nurse Licensure Compact Regulations, the Licensee understands that one mandated into such a program as HPAP will be granted a single-state license only;

WHEREAS, Licensee understands that participation in HPAP is mandatory in order to maintain an active, unencumbered, single-state license in South Dakota. To meet the terms of this agreement, Licensee must be enrolled and demonstrating active participation in HPAP within five (5) business days of Licensee signing this Agreed Upon Disposition; and

WHEREAS, Licensee agrees and understands that any failure to comply with any aspect of the HPAP program and its contract will be reported to the Board for further action as deemed appropriate by the Board.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. The Board asserts and the Licensee admits to the facts stated herein.

3. The Licensee recognizes that this matter is of a nature that would constitute grounds for discipline of Licensee's license to practice as a nurse in the State of South Dakota under SDCL § 36-9-49 (2) and/or (4).

4. The Licensee understands that Licensee has a right to a contested hearing case pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to: a contested case hearing before the Board, to be present at the contested case hearing, to be represented by legal counsel, to introduce evidence and testimony on Licensee's behalf, to call witnesses, to cross-examine witnesses, to inspect all documentary evidence submitted to the Board, and to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court, as provided by law.

5. By entering into this agreed-upon disposition with the Board, Licensee hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved according to the procedures outlined in ARSD 20:48:08:12(3) by an agreed upon issuance of Probation and Mandated Participation in Health Professionals Assistance Program (HPAP).

6. Licensee has been given the opportunity to discuss this agreed-upon disposition with an attorney of Licensee's choice and is aware of Licensee's rights as outlined above. Licensee voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Licensee is entering into this agreed-upon disposition voluntarily and without duress or compulsion.

7. If Licensee violates any provision of Licensee's Probation Conditions or HPAP participation agreement, Licensee understands that the Board will be notified and the Licensee may be subject to discipline and reporting as determined by the Board.

8. Licensee understands that, from the date this Agreed Upon Disposition is approved by the Board, Licensee's license to practice nursing is placed upon a probationary status. The length of Licensee's probationary status will be the same length as Licensee's criminal probation and run concurrently with the Licensee's probationary status with any Court of this or any other State. The probationary terms and conditions set forth below shall be completely followed by the Licensee during the probationary status. In addition, probationary terms and monitoring conditions shall be set by HPAP and Licensee shall fully comply with HPAP's terms and conditions.

9. After verification from HPAP that Licensee has fully completed all monitoring terms, Licensee may petition the Board for closure of her probation. The duration of the terms of probation will be set by HPAP. It is recognized that the Board may require additional probationary time or additional terms upon the completion of HPAP. In addition, Licensee shall comply with the following during her probation:

PROBATION CONDITIONS

1. Licensee shall at any time during the period of probation, report in person to such meetings of the Board or to its designated representatives as directed and otherwise fully cooperate with the Board or its representatives in the terms of this probation.

2. Licensee shall notify the Board as well as HPAP, in writing, within one (1) week of any change in nursing employment, personal address and/or telephone number.
3. Licensee shall pay for all costs and expenses in carrying out any conditions of the probation.
4. During the term of this probation, the Licensee is to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee, and whether the Licensee has been convicted, pled no contest, nolo contendere, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that have not previously been reported to the Board.
5. Notwithstanding anything in this Agreed Upon Disposition to the contrary, should the Licensee be convicted of a felony after the date of this Agreed Upon Disposition, which would be grounds for discipline under SDCL § 36-9-49 (2), either relating to the allegations which led to this probation or to any other actions or omissions of the Licensee, the Licensee agrees that the Board may take further action against Licensee's license, including, but not limited to immediate suspension. Licensee agrees to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against Licensee.
6. If Licensee violates any terms of this probation, the Licensee agrees that the Board may take such actions against Licensee's license, as the Board deems necessary, up to and including an immediate suspension, additional probation terms, revocation or other disciplinary action.

7. If Licensee obtains a license issued solely or under joint regulatory powers by the Board, other than the license to which this Stipulation refers, at any time during the period of the probation, the terms of this probation shall apply to the other or additional license(s) issued by the Board.

8. Licensee shall not violate any law or regulation regarding the practice of nursing.

9. Licensee shall not practice nursing in any state other than South Dakota which is a party state to the Nurse Licensure Compact without prior written authorization from both the Board and the nursing regulatory authority in the party state in which the Licensee desires to practice.


10. This probation also affects Licensee's practice privilege to practice in South Dakota should Licensee change her home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirement set forth in this Order as her South Dakota license.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Probation and Mandated Participation in HPAP and Waiver of Hearing is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter. In the event the Board, in its discretion, does not approve this agreed upon disposition or a lesser remedy than indicated in this agreed upon disposition, this agreed upon disposition is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this agreed upon disposition and this case proceeds to

Agreed Upon Disposition for Probation and Mandated Participation in Health Professionals Assistance Program (HPAP) and Waiver of Hearing
Licensee Nicole Brandt, LPN

hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion
of this agreed upon disposition or any of the records or information relating hereto.

Dated this 23 day of Dec, 2018.



Nicole Brandt, Licensee

